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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,352	04/15/2004	Yuji Handa	0038-0431PUSI	6319
2292 7590 08/31/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	
			NOTIFICATION DATE	DELIVERY MODE
			08/31/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/824,352	<b>Applicant(s)</b> HANDA ET AL.	
	<b>Examiner</b> David Y. Jung	<b>Art Unit</b> 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2004</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### CLAIMS PRESENTED

Claims 1-12 are presented.

### CLAIM REJECTIONS

#### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding claims 1-12, the claimed invention is directed to non-statutory subject matter. Claims recite only perfunctory recitation of functional material (computer readable medium, etc.). Aside from this, the claims recite only nonfunctional descriptive material. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance.

For further guidance on the term "nonfunctional", please see MPEP 2106.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9-12 recite "hush" value. This appears to be a mistake. For the purposes of prior art analyses, "hash" value has been assumed. Applicant is requested to explain or to amend.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobb (<http://www.ddj.com/184404845>).

Regarding claim 1, Dobb teaches "A method of writing data with a data processing apparatus comprising: means for storing data (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., the storing of content data);

means for writing data in a recording medium (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., the storing of content data ); and

means for encrypting data on the basis of a password (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., password binding of content), said method comprising the steps of:

storing data of a system area of the recording medium, which are used by said writing means so as to recognize the recording medium, in said storing means (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., the storing of content data );

encrypting at least a part of the data of the system area, by said encrypting means, on the basis of the password (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., password binding of content ); storing main data in said storing means (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., the storing of content data );

writing the encrypted data of the system area, by said writing means, in the recording medium (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., the storing of content data); and

writing the main data, by said writing means, in the recording medium (section Plug-in Crypto Failures, the paragraph on Softlock Services, i.e., the storing of content data)."

These passages of Dobb are not clear about both "reading" and "writing" within a single context or both "encryption" and "decryption" within a single context in the sense of the claim. These features, while discernible from the claim, are difficult to pin to a

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quotation of a single phrase or a single word. Nevertheless, these features are discernible.

It was well known in the art to have a "reading, writing, encryption, decryption" situation, however, for the motivation of actuating an e-book or an e-document. For example, one would need to read as well as write in order to edit and update the document.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Dobb for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 2 (writing, etc.), 3, 4, 9, 10 (data processing apparatus, etc.) such particular features are well known in the art for the purpose of handling information in computers.

Regarding claims 9, 10 (hash value, etc.), such particular features are well known in the art for the purpose of encryption. Hash values are well known in the art for the purpose of use with encryption.

Claims 5-8, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobb and Wetcanvas (<http://www.wetcanvas.com/forums/showthread.php?t=200>).

Dobb teaches as noted in the rejections of claims 1-4, 9-10.

Dobb teaches all but the "ancillary password" feature.

Regarding claims 5-8, 11-12, Wetcanvas teaches such "ancillary password" for the motivation of having separate access levels for different areas of access.

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Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Dobb and Wetcanvas for the motivation noted in the previous paragraphs so as to teach the claimed invention.

***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

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(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

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A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke extending to the right.

Patent Examiner

8/28/07